

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-727

Appellant(s): Karen Rebman
representing Target Stores

vs.

Appellee(s): City of Hanover
Anthony Marino

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 903.2.1 for 1167 Washington Street, (a.k.a. Target Store), Hanover, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on April 4, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

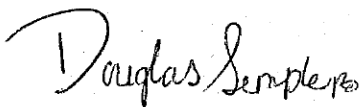
The Appellant appeared and testified for the hearing on behalf of Target Stores. Barbara Stone and Maurice Pilette appeared and testified on behalf of the Hanover Fire Department.

Discussion

A motion was made to grant the Appellant's request for a variance from the 6th Edition of 780 CMR 903.2.1, and allow the alternative design of the fire protection sprinkler design, based on the exhibits and testimony that were presented. The motion is contingent upon the appellant addressing issues #1 to #4 in the letter dated March 30, 2009 from the Hanover Fire Department, on file at the Department of Public Safety as exhibit #2, to the satisfaction of the Hanover Fire Department. If the Hanover Fire Department approves Target's response to these issues then another appearance before the Board is not required. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

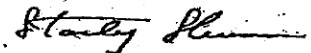
The Appellant's request for a variance from the 6th Edition 780 CMR 903.2.1 is hereby granted as described in the discussion above and so ordered² on this date: April 4, 2009.



Douglas Semple



Jacob Nunnemacher



Stanley Shuman

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.